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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:
DIVER1140-2



In re Application of:
Jay M. Short

Application No:
09/375,605

Filed:
August 17, 1999

For: PRODUCTION OF ENZYMES
HAVING DESIRED ACTIVITIES BY
MUTAGENESIS

Group Art Unit:
1652

Examiner:
N. Nashed

Applicants hereby appeal to the Board of Appeals from the decision mailed October 5, 2001 of the Examiner rejecting claims 41-70.

1.	<input checked="" type="checkbox"/>	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$320.00
	<input checked="" type="checkbox"/>	small entity	\$160.00

2.	<input checked="" type="checkbox"/>	A petition and fee for an extension of time for reply to the rejection is attached.					
	<input checked="" type="checkbox"/>	Extension Fee (37 C.F.R. 1.17(a))					
		other than small entity					
		\$110.00		\$400.00		\$920.00	\$1,440.00
	<input checked="" type="checkbox"/>	small entity					
		\$55.00		\$200.00	<input checked="" type="checkbox"/>	\$460.00	\$720.00

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Applicant: Jay M. Short
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Filed: August 17, 1999
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3.	X	Enclosed is Check No. <u>505391</u> in the Total amount of \$620.00; which consists of \$460.00 for the Three (3) Months Extension of Time fee and \$160.00 for the Notice of Appeal fee. The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A copy of this sheet is enclosed.
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April 5, 2002
Date

By: Richard J. Imbrie *Reg. No. 38,347*
for: Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date **April 5, 2002**, addressed to: Commissioner for Patents, Washington, D.C. 20231.

Cecilia Tobin

(Name of person mailing paper)

Cecilia Tobin
(Signature)

April 5, 2002
(Date)



PATENT
ATTORNEY DOCKET NO.: DIVER1140-2

AMENDMENT UNDER 37 C.F.R. § 1.116
GROUP ART UNIT 1652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jay M. Short Art Unit: 1652
Application No.: 09/375,605 Examiner: N. Nashed
Filed: August 17, 1999
Title: PRODUCTION OF ENZYMES HAVING DESIRED ACTIVITIES BY
MUTAGENESIS

BOX AF
Commissioner for Patents
Washington, D.C. 20231

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TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application, please find:

1. Response to the Final Office Action mailed October 5, 2001;
including Exhibit A (11 pages);
2. Petition for Three (3) Months Extension of Time (2 pages);
3. Notice of Appeal (2 pages);
4. Change of Attorney Address in Application (2 pages);
5. Check No. 505391 in the amount of \$620.00; and
6. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, April 5, 2002 , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.	
Cecilia Tobin (Name of Person Mailing Paper)	
<i>Cecilia Tobin</i> (Signature)	April 5, 2002 (Date)

Applicant: Jay M. Short
Application No.: 09/375,605
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Applicants claim **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Large Entity Rate	Small Entity Rate	Calculations
Total Claims	25	30	0	x \$18	x \$09	\$.00
Independent Claims	1	3	0	x \$84	x \$42	\$.00
Multiple Claims				\$280	\$140	\$.00
Basic Filing Fee				\$740	\$370	\$.00
					TOTAL FEE	\$.00

Enclosed is Check No. 505391 in the Total amount of \$620.00; which consists of consists of \$460.00 for the Three (3) Months Extension of Time fee and \$160.00 for the Notice of Appeal fee. The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: April 5, 2002

By: Richard E. Embrey Reg. No. 37,643
for Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
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San Diego, CA 92121-2133